



## Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

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## MEMORANDUM

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TO: Honorable Ronald M. George  
Members of the Policy Coordination and Liaison Committee  
William C. Vickrey, Administrative Director of the Courts

FROM: Curtis L. Child, Director  
Office of Governmental Affairs

DATE: March 19, 2009

RE: Status of 2009 legislation considered by the Policy Coordination and Liaison Committee

Following is the status report on 2009 legislation considered by the Judicial Council's Policy Coordination and Liaison Committee (PCLC) during the 2009-2010 legislative session. The bills are listed in numerical order by house (Assembly and Senate) and are indexed by subject matter. The second column, "description" summarizes the relevant portions of the bill—and the version of the bill—on which the PCLC position is based. The description column also includes an updated summary to reflect the most current version of the bill. The "Judicial Council position" column tracks the council's initial position and any subsequent change to that position.

The text of all versions of a bill, committee analyses, vote information, history, and bill status can be found on the Legislature's website (including past session information) at: <http://www.leginfo.ca.gov/bilinfo.html>

**JUDICIAL COUNCIL OF CALIFORNIA**  
**Policy Coordination and Liaison Committee Action on 2008 Legislation**  
**and Status of Bills**

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AB 12 (Beall) – California Fostering Connections to Success Act .....	A
AB 131 (Evans) – Juvenile proceedings: costs.....	A
SB 319 (Harman) – Jury service.....	A
SB 377 (Corbett) – Courts: judgeships .....	B
SB 556 (Committee on Judiciary) – Courts.....	B
SBX2 11 (Steinberg) – Judges: employment benefits .....	B
SBX2 12 (Steinberg) – Court facilities financing.....	B

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**Court Facilities, Employees, and Technology**

AB 170 (Mendoza) – Court reporters: rough draft transcript

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SBX2 12 (Steinberg) – Court facilities financing

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**Criminal Law and Procedure**

SB 59 (Huff) – Criminal procedure: trials: continuances

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**Family Law**

AB 12 (Beall) – California Fostering Connections to Success Act

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AB 938 (Committee on Judiciary) – Dependent children: relative caregivers and

foster parents

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**Judicial Officers**

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**Juvenile Dependency**

AB 131 (Evans) – Juvenile proceedings: costs

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**JUDICIAL COUNCIL OF CALIFORNIA**  
**Policy Coordination and Liaison Committee Action on 2009 Legislation**  
**and Status of Bills**

<b>Bill No. (Advocate)</b>	<b>Bill No. (Author) Description and Updates</b>	<b>Judicial Council Position</b>	<b>Sponsor</b>	<b>Status as of March 18, 2009</b>
AB 5 (Daniel Pone)	<u>AB 5 (Evans) – Civil discovery: Electronic Discovery Act</u>  As introduced Among other things, adds definitions of “electronic” and “electronically stored information” to the Civil Discovery Act. Amends the act to expressly authorize the discovery of electronically stored information, and authorizes the “copying, testing or sampling” of such information. Allows a party to specify the form in which electronically stored information is to be produced, and if no form is specified, the responding party must produce the information in the form or forms in which it is ordinarily maintained or in a form that is reasonably usable. Establishes procedures for motions to compel and motions for protective orders relating to the discovery of electronically stored information. Sets forth a procedure for handling disputes over the production of electronically stored information that is subject to claims of privilege or attorney work-product protection.	Sponsor	Judicial Council and California Defense Counsel and Consumer Attorneys of California	In Senate
AB 12 (Tracy Kenny)	<u>AB 12 (Beall) – California Fostering Connections to Success Act</u>  As introduced Implements federal foster care reform legislation to provide federally subsidized relative guardianships and extend foster care jurisdiction to age 21.	Sponsor	Judicial Council, Children’s Law Center, California Alliance of Child & Family Services, California Youth Connection Youth Law Center, County Welfare Directors Association, John Burton Foundation for Children without Homes, and SEIU	Assembly Human Services Committee
AB 131 (Tracy Kenny)	<u>AB 131 (Evans) – Juvenile proceedings: costs</u>  As introduced Authorizes the Judicial Council to implement a cost recovery program to collect reimbursements from parents for the cost of dependency counsel, and directs that the recovered funds be used to reduce caseloads for attorneys.	Sponsor	Judicial Council	Assembly Appropriations Committee
AB 170 (Donna Hershkowitz)	<u>AB 170 (Mendoza) – Court reporters: rough draft transcript</u>  As introduced Treats “real time” transcripts (referred to in the legislation as “the instant visual display of testimony”) in the same manner as rough draft transcripts by providing that real time transcripts cannot be used, cited, distributed, or transcribed as the official certified transcript, and cannot be used or cited to rebut or contradict the official certified transcript. Sunsets January 1, 2017, reverting to the now-existing law unless the sunset date is removed or extended by subsequent legislation.	Support	California Court Reporters Association	Assembly Floor

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of March 18, 2009
AB 938 (Tracy Kenny)	<u>AB 938 (Committee on Judiciary) – Dependent children: relative caregivers and foster parents</u>  As introduced Requires that social workers immediately investigate the identity and location of all adult grandparents and other relatives of a child after the child is detained, and notify the relatives that the child has been removed from his or her parents and the means by which the relative might participate in the care of the child. States the intent of the Legislature that all parties to dependency proceedings have a meaningful opportunity to participate in the proceedings and to meet with their attorneys and review reports prior to the detention hearing, and in advance of all subsequent hearings.	Sponsor	Judicial Council	Not yet referred to committee
SB 59 (June Clark)	<u>SB 59 (Huff) – Criminal procedure: trials: continuances</u>  As introduced Adds cases involving the California Street Terrorism Enforcement and Prevention Act to the list of types of cases that are categorically eligible for a good cause continuance in criminal proceedings when the prosecuting attorney assigned to the case has another trial, preliminary hearing, or motion to suppress in progress in another case.	Oppose	Sacramento County District Attorney's Office, Gang Unit	Senate Public Safety Committee
SB 319 (June Clark)	<u>SB 319 (Harman) – Jury service</u>  As proposed to be amended Eliminates the sunset and reporting requirement on provisions allowing courts to impose monetary sanctions for failure to appear in response to a jury summons. Decreases the amount of time that must elapse before a compliance action may be initiated. Allows sanctions to be deposited into the Trial Court Trust Fund without designation for a specific purpose.	Sponsor	Judicial Council	In Senate
SB 377 (Donna Hershkowitz)	<u>SB 377 (Corbett) – Courts: judgeships</u>  As introduced Authorizes 50 new judgeships, upon appropriation by the Legislature, to be allocated to the superior courts pursuant to the methodology adopted by the Judicial Council.	Sponsor	Judicial Council	Senate Judiciary Committee
SB 556 (Janus Norman and Daniel Pone)	<u>SB 556 (Committee on Judiciary) – Courts</u>  As introduced Clarifies that a court is authorized to charge the same fees for post-judgment motions related to the enforcement of a small claims judgment as a court charges for the enforcement of a regular civil judgment. Clarifies that a court is authorized to submit unpaid bail amount to the Franchise Tax Board Court-Ordered Debt Collection program.	Sponsor	Judicial Council	Senate Judiciary Committee

Bill No. (Advocate)	Bill No. (Author) Description and Updates	Judicial Council Position	Sponsor	Status as of March 18, 2009
SBX2 11 (Curtis Child)	<u>SBX2 11 (Steinberg) – Judges: employment benefits</u>  As introduced Preserves local supplemental judicial benefits as they were in place July 1, 2008. Provides immunity to judges who received the benefits in the past. Requires the Judicial Council to report to the Legislature by December 31, 2009, on benefit inconsistencies.	Sponsor	Judicial Council	Signed into law (Stats. 2009, ch. 9)
SBX2 12 (Curtis Child/Janus Norman)	<u>SBX2 12 (Steinberg) – Court facilities financing</u>  As introduced Provides for the continuous appropriation of fine and fee revenue created by SB 1407 (Stats. 2007, ch. 311) to support the cost of site acquisitions and preliminary drawings for new courthouse construction projects. Creates an expedited process for authorizing trial court capital outlay projects.	Sponsor	Judicial Council	Signed into law (Stats. 2009, ch. 10)

**Appendix**  
**Status of 2009 Judicial Council-sponsored Legislation**

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AB 12 (Tracy Kenny)	<u>AB 12 (Beall) – California Fostering Connections to Success Act</u>  As introduced Implements federal foster care reform legislation to provide federally subsidized relative guardianships and extend foster care jurisdiction to age 21.	Judicial Council	Assembly Human Services Committee
AB 131 (Tracy Kenny)	<u>AB 131 (Evans) – Juvenile proceedings: costs</u>  As introduced Authorizes the Judicial Council to implement a cost recovery program to collect reimbursements from parents for the cost of dependency counsel, and directs that the recovered funds be used to reduce caseloads for attorneys.	Judicial Council	Assembly Appropriations Committee
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